

NJP
CLM

MEMORANDUM
TO THE HONORABLE FREDERIC BLOCK
Senior United States District Judge

RE: VITULLI, Rocco

DOCKET NO.: 95-CR-31(S-2)

Request for Early Termination

Reference is made to the above-mentioned offender who was sentenced by Your Honor on January 10, 1997 to 48 months imprisonment followed by three (3) years supervised release and a \$50 special assessment fee (Count 1). The offender was also sentenced to a five (5) year term of Probation (Count 2). This sentence was received after a plea of guilty to Conducting an Illegal Gambling Business and Obstruction of Commerce by Extortion, respectively. The offender commenced his term of supervised release on September 7, 2000, within the confines of the Southern District of New York. The offender's scheduled termination date is September 6, 2008.

The purpose of this memorandum is to inform Your Honor that the officer supervising the offender, USPO Mark Maffucci, has requested that the offender be terminated early from his supervision term.

According to USPO Maffucci, the offender has made a satisfactory adjustment to his supervision term. The offender has maintained a stable residence located in Yonkers, New York, with his wife and family. He has maintained full-time employment with Arena Construction as a project manager, since 2003. USPO Maffucci indicates that the offender has reported as directed and has not associated with any organized crime members or felons. In addition, USPO Maffucci indicates that the offender has been supervised on a reduced reporting schedule since 2005 because of his continued compliance.

Also noted by USPO Maffucci is the offender's continuing education, as he has received an Associates Degree from Westchester Community College, and is currently pursuing a Bachelor's Degree. The offender is active with St. Paul's Church in Yonkers, New York and has taken classes at St. Joseph's Seminary. He is also attending private therapy.

The offender does not meet the criteria set forth in *U.S. v. Lussier*, 104 F.3d 32, 36 (2nd Cir. 1997); *U.S. v. Sheckley*, 129 F.3d 114 (2nd Cir. 1997)(summary order only); and *U.S. v. Medina*, 17 F.Supp. 2d. 245, 247 (S.D.N.Y. 1998), wherein the Second Circuit noted that early termination should only be granted "occasionally." In addition, the Second Circuit held that a defendant simply having a record of compliance with supervision conditions is not good enough to warrant early termination. Instead, a defendant's behavior must be "exceptionally good" to warrant the benefit of early termination. However, based on the strong recommendation from the supervising USPO in the Southern District of New York, we respectfully submit that the offender be considered for early termination from his term of supervision. Your Honor may indicate his decision on page 2 of this memorandum.

VITULLI

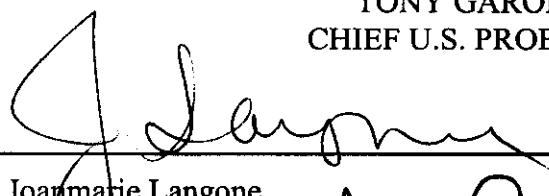
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RESPECTFULLY SUBMITTED:

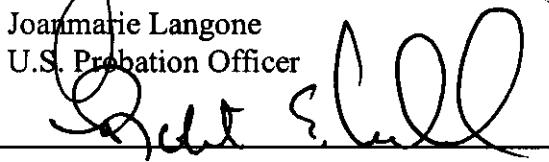
TONY GAROPPOLO
CHIEF U.S. PROBATION OFFICER

PREPARED BY:



Joannmarie Langone
U.S. Probation Officer

APPROVED BY:



Robert E. Cardinal
Supervising U.S. Probation Officer

May 25, 2007

TERMINATE

FROM SUPERVISION:

s/Frederic Block

6.6.07

Sr. United States District Judge Date

CONTINUE

ON SUPERVISION:

Sr. United States District Judge Date

OTHER DIRECTIVES:

Sr. United States District Judge Date